

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAM TOCCO, individually, and  
as the Trustee of THE SAM TOCCO  
REVOCABLE TRUST dated July 11, 2001,

Plaintiff/Counter-Defendant,

CASE NO. 05-70013

-vs-

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

SAM ANTHONY TOCCO, and  
KNOLLWOOD MEMORIAL PARK  
CEMETERY ASSOCIATION,

Defendants/Counter-Plaintiffs,

*and*

HYMAN LIPPITT, P.C., JOHN GONWAY,  
and JOSEPH P. ZADA,

Defendants.

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**ORDER (1) ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION; AND  
(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff filed a Motion for Summary Judgment on September 1, 2005. After filing an amended Complaint, Plaintiffs filed a supplemental brief in support of their Motion on November 23, 2005. On April 3, 2006, the Magistrate Judge issued a Report and Recommendation (“R&R”) denying Plaintiff’s Motion for Summary Judgment.

Having considered the Magistrate Judge's R&R, and any objections filed thereto,

**IT IS ORDERED** that the R&R is accepted and entered as the findings and conclusions of this Court, and that Plaintiff's Motion for Summary Judgment is DENIED.

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: May 24, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 24, 2006.

S/Jonie Parker

Case Manager